

Order

Michigan Supreme Court
Lansing, Michigan

August 11, 2006

Clifford W. Taylor,
Chief Justice

130760

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

CHARLES DONALD HILTON,
Plaintiff/Counter-
Defendant-Appellant,

v

SC: 130760
COA: 257185
Oakland CC: 2003-050279-CZ

CHARTER TOWNSHIP OF WEST
BLOOMFIELD,
Defendant/Counter-Plaintiff
And Third Party Plaintiff-Appellee,

and

ELIZABETH HILTON,
Third Party Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 27, 2005 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

MARKMAN, J., concurs and states as follows:

I concur in the order denying leave to appeal. I write separately only to note that the district court's order in *West Bloomfield Twp v Charles Hilton* (48th District Court Docket No. 98 WB29458C CM) is not altogether clear as to its purpose. However, because we must presume that the court acted in a constitutional manner, I presume that the district court did not purport to exercise an executive branch function through this order by commanding the township to file a nuisance abatement action in circuit court. Rather, I presume that the district court merely intended to communicate to the township that, if it intended to file such an action, it would have to be filed in the circuit court.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

August 11, 2006

Corbin R. Davis

Clerk